

FILED

AUG 29 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BERNT VONGRABE,

Plaintiff - Appellant,

v.

DARREN S. WEINGARD, Sprint
Communications Co LP; et al.,

Defendants - Appellees.

No. 05-55447

D.C. No. CV-04-00630-RTB/JFS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted August 21, 2006^{**}

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

Bernt Vongrabe appeals pro se from the district court's order dismissing his action alleging that defendants made false statements to the court in a previous

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

action Vongrabe brought against Sprint Communications (“Sprint”) and other companies. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Savage v. Glendale Union High School*, 343 F.3d 1036, 1040 (9th Cir. 2003), and we affirm.

The district court granted defendants’ motion to dismiss, on the ground that Vongrabe failed to state a claim that attorneys for Sprint conspired to commit perjury in a prior action. Vongrabe’s sole contention on appeal is that the district court did not have jurisdiction to issue its March 7, 2005 order, because he attempted to remove the case to the United States Bankruptcy Court for the Middle District of Florida. We reject this contention, because Vongrabe has not shown that he took any action that deprived the district court of jurisdiction over his case.

Vongrabe has waived any challenge to the merits of the March 7, 2005 order. *See Dilley v. Gunn*, 64 F.3d 1365, 1367 (9th Cir. 1995) (issues not raised in opening brief are waived on appeal).

AFFIRMED.